Supreme Court, U.S.
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No. 15-339

In the Supreme Court of the United States

MICHAEL ROSS,

Petitioner,

v.

SHAIDON BLAKE,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

BRIEF OF *AMICI CURIAE* STATE OF WEST VIRGINIA AND 21 OTHER STATES IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Did the Fourth Circuit misapply this Court's precedents in holding, in conflict with several other federal courts of appeals, that there is a common law "special circumstances" exception to the Prison Litigation Reform Act that relieves an inmate of his mandatory obligation to exhaust administrative remedies when the inmate erroneously believes that he has satisfied exhaustion by participating in an internal investigation?

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INTRODUCTION AND INTEREST OF *AMICI CURIAE* [1]

Amici curiae—the States of West Virginia, North Carolina, South Carolina, Virginia, Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Louisiana, Maine, Michigan, Montana, Nevada, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, and Washington—submit this brief because the Fourth Circuit's decision to adopt a common-law exception to the exhaustion requirement of the Prison Litigation Reform Act ("PLRA") will burden States with increased and lower quality litigation by prisoners. As this Court has recognized, the PLRA was "intended to 'reduce the quantity and improve the quality of prisoner suits,'" *Woodford v. Ngo*, 548 U.S. 81, 93-94 (2006) (quoting *Porter v. Nussle*, 534 U.S. 516, 524 (2002)), and the exhaustion requirement was a "centerpiece" of that effort, *id.* at 84. In finding that the exhaustion requirement is "not absolute" and adopting an exception for circumstances where a prisoner reasonably believes he or she has exhausted all administrative remedies, the Fourth Circuit has necessarily exposed States not only to a greater number of federal filings by state inmates, but to more filings that have not been developed through the administrative process. This risk is particularly

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[1] Pursuant to Supreme Court Rule 37.2(a), the amici have timely notified counsel of record of their intent to file an amicus brief in support of Petitioner.

acute for those States in the Fourth Circuit, all of which other than Maryland (which is the real party in interest to the Petition) have joined this brief.

SUMMARY OF ARGUMENT

This Court's intervention is needed for two reasons.

First, the Fourth Circuit's judicially created exception to the PLRA's exhaustion requirement is squarely at odds with decisions of this Court and several sister Circuits. Petitioner has well explained many of the inconsistencies, but *amici* focus in this brief on two additional ways in which the opinion below directly contravenes this Court's controlling decisions. Specifically, this Court has noted that the PLRA amended federal law to remove the condition that a prison's administrative remedies be "'plain, speedy, and effective' before exhaustion could be required." *Booth v. Churner*, 532 U.S. 731, 739 (2001). But the Fourth Circuit's new exception, which focuses on a reviewing court's perception of the clarity of a prison's administrative procedures, effectively reinstates the requirement that such remedies be "plain." In addition, by creating a new exception by judicial fiat, the Fourth Circuit failed to follow this Court's decision in *Jones v. Bock*, 549 U.S. 199 (2007), which makes clear that courts are not to "read in" to the PLRA new requirements or exceptions that they think might "make it better." *Id.* at 216.

Second, the Fourth Circuit's decision will burden States and federal district courts with increased and lower quality prisoner litigation. Like the exception this Court rejected in *Woodford*, the Fourth Circuit's exception here "w[ill] make the PLRA exhaustion scheme wholly ineffective." 548 U.S. at 95. Now every prisoner with a grievance who has failed to exhaust, or does not wish to exhaust, has an incentive simply to file in court and take a chance on arguing that he or she found the State's administrative grievance procedures to be confusing. There will be many more petitions, and they will lack the benefit of having had a record developed through an administrative process. Moreover, a greater number of prisoner petitions will survive dismissal for failure to exhaust and proceed to summary judgment or trial.

REASONS FOR GRANTING THE PETITION

I. The Fourth Circuit's Exception to the PLRA's Exhaustion Requirement Conflicts with Precedent of Other Circuits and of This Court.

A. In the decision below, the Fourth Circuit adopted a new common-law exception to the PLRA's exhaustion requirement. Relying on Justice Breyer's concurrence in *Woodford v. Ngo*, 548 U.S. 81 (2006), the Fourth Circuit concluded that the exhaustion requirement is "strict[]" but "not absolute." *Blake v. Ross*, 787 F.3d 693, 698 (4th Cir. 2015). The appeals court found it permissible to "read[] longstanding

administrative law exceptions into the PLRA's exhaustion requirement." *Id.*

Based on decisions from the Second Circuit, the Fourth Circuit adopted a two-pronged inquiry for determining whether to excuse a prisoner's failure to exhaust in light of the inmate's "reasonable belief that no further remedies were available." *Id.* (internal quotations omitted). *First*, was the prisoner "justified in believing that his complaints in the disciplinary appeal procedurally exhausted his administrative remedies because the prison's remedial system was confusing"? *Id.* *Second*, did "the prisoner's submissions in the disciplinary appeals process exhaust[] his remedies in a substantive sense by affording corrections officials time and opportunity to address complaints internally." *Id.*

B. This judicially created exception to the PLRA is at odds with the prevailing case law. As Petitioner has well explained, the Fourth Circuit's decision is inconsistent with decisions of several sister Circuits, Pet. at 11-14, and precedent of this Court, *id.* at 15-17. *Amici* will not repeat those arguments, but rather note two additional ways in which the opinion below directly contravenes this Court's controlling decisions.

1. Relying on the statutory history of the PLRA, this Court in *Booth v. Churner*, 532 U.S. 731 (2001), required a prisoner to exhaust administrative remedies even though the administrative process

"could not award him the monetary relief he sought." *Id.* at 735. Among other arguments, this Court stressed that the PLRA "amendments [had] eliminated both the discretion to dispense with administrative exhaustion and the condition that the remedy be 'plain, speedy, and effective' before exhaustion could be required." *Id.* at 739. By eliminating the requirement that an administrative remedy be "effective," this Court reasoned, Congress enacted a "broader exhaustion requirement" and made clear that it wanted prisoners to go through the administrative process even if they cannot obtain the relief they desire. *Id.* at 740-41.

In *Woodford v. Ngo*, 548 U.S. 81 (2006), this Court again emphasized the statutory changes made by the PLRA. Prior to the PLRA, this Court explained, federal law included "a weak exhaustion provision." *Id.* at 84. Exhaustion was "in large part discretionary" and "could be ordered only if the State's prison grievance system met specified federal standards." *Id.* The PLRA "strengthened" the exhaustion requirement. *Id.* at 85. "Exhaustion is no longer left to the discretion of the district court, but is mandatory." *Id.* Moreover, "[p]risoners must now exhaust all 'available' remedies, not just those that meet federal standards." *Id.* The Fourth Circuit's decision cannot be squared with this Court's repeated emphasis on the statutory history of the PLRA. As this Court has found time and again, with the PLRA Congress eliminated the condition that an administrative remedy be "plain." *Booth*, 532 U.S. at

739; *Woodford*, 548 U.S. at 84-85; see also *Porter v. Nussle*, 534 U.S. at 524. ("All 'available' remedies must now be exhausted; those remedies need not meet federal standards, nor must they be 'plain, speedy, and effective.'"). But the Fourth Circuit's new exception, which focuses on a court's perception of the clarity of a prison's administrative procedures, reinstates that requirement. *Blake*, 787 F.3d at 698. Indeed, this new exception not only mandates that a prison's administrative process be "plain," but also requires that the prison have provided materials that affirmatively "contradict [an inmate's] belief that he had exhausted his administrative remedies." *Id.* at 700. As Judge Agee explained in dissent, "jail officials [now] must anticipate every potential misunderstanding that an inmate might have about a prison's administrative remedies and then foreclose every imaginable misunderstanding in writing." *Id.* at 705 (Agee, J., dissenting). That is not simply "a substantial new burden on state corrections officials," *id.*; it is completely contrary to this Court's precedent. *Cf. Ackerman v. Ritter*, No. CIV04CV02605 2006 WL 346790, at *3 (D. Colo. Feb. 14, 2006) ("Even if the prisoner was confused with regard to the prison grievance system, and understood his claim to be non-grievable, exhaustion is required Congress has eliminated the courts' discretion to dispense with administrative exhaustion and to impose any condition that administrative remedies be plain, speedy, and effective.") (citations omitted).

2. The Fourth Circuit's decision also contravenes *Jones v. Bock*, 549 U.S. 199 (2007). In that case, this Court rejected the Sixth Circuit's attempt to require that a prisoner plead exhaustion in his or her complaint in order to effectuate the PLRA's screening requirement for unexhausted cases. *Id.* at 216-17. Acknowledging that there may be reasonable policy interests behind that judicially created requirement, this Court stressed that "the judge's job is to construe the statute—not to make it better." *Id.* at 216. What the PLRA does not expressly include the courts "must not read in by way of creation." *Id.* (internal quotations omitted)

But that is precisely what the Fourth Circuit has done here. There is no exception in the PLRA to the exhaustion requirement for a prisoner's "reasonable" failure to exhaust. Under *Bock*, the Fourth Circuit had no authority to "read in" such an exception "by way of creation." The Fourth Circuit ignored this Court's express command that "a judge's job is to construe the [PLRA]," not to append to the statute what he or she thinks might "make it better." See *Id.*

II. The Fourth Circuit's Decision Will Burden States and Federal District Courts With Increased and Lower Quality Prisoner Litigation.

A. As this Court has explained, the PLRA's exhaustion requirement was a "centerpiece" of

Congress's effort to bring "a sharp rise in prisoner litigation" "under control." *Woodford*, 548 U.S. at 84. At the time of the PLRA's enactment, "an ever-growing number of prison-condition lawsuits were threatening to overwhelm the capacity of the federal judiciary." *Anderson v. XYZ Corr. Health Servs., Inc.*, 407 F.3d 674, 676 (4th Cir. 2005). The PLRA was "intended to 'reduce the quantity and improve the quality of prisoner suits.'" *Woodford*, 548 U.S. at 93-94 (quoting *Nussle*, 534 U.S. at 524).

A strong exhausation requirement was critical for several reasons. *First*, "exhaustion requirements are designed to deal with parties who do not want to exhaust," which tends to be the case with prisoners. *Id.* at 90; see also *id.* at 89 ("Statutes requiring exhaustion serve a purpose when a significant number of aggrieved parties, if given the choice, would not voluntarily exhaust."); *Doe v. Washington County*, 150 F.3d 920, 924 (8th Cir. 1998) ("The PLRA was designed to discourage the initiation of litigation by a certain class of individuals—prisoners—that is otherwise motivated to bring frivolous complaints as a means of gaining a short sabbatical in the nearest Federal courthouse." (internal quotation marks omitted)).

Second, if followed, exhaustion requirements will reduce the number of prisoner lawsuits. "Proper exhaustion reduces the quantity of prisoner suits because some prisoners are successful in the administrative process, and others are persuaded by

the proceedings not to file an action in federal court." *Woodford*, 548 U.S. at 94. Thus, as Petitioner notes, "the PLRA had an immediate remedial effect when it was enacted in 1996, with the number of [prisoner] suits returning to and remaining at more manageable levels." Pet. at4.

Finally, exhaustion requirements also improve the quality of prisoner litigation. "[P]roper exhaustion improves the quality of those prisoner suits that are eventually filed because proper exhaustion often results in the creation of an administrative record that is helpful to the court." *Woodford*, 548 U.S. at 94-95. Specifically, "[w]hen a grievance is filed shortly after the event giving rise to the grievance, witnesses can be identified and questioned while memories are still fresh, and evidence can be gathered and preserved." *Id.* Moreover, an exhaustion requirement will "filter out the bad claims and facilitate consideration of the good." *Jones*, 549 U.S. at 204. It "affor[ds] corrections officials time and opportunity to address complaints internally before allowing the initiation of a federal case," providing "prisons with a fair opportunity to correct their own errors." *Woodford*, 548 U.S. at 93-94 (internal quotations omitted). Exhaustion requirements thus help address "the challenge [of] ensuring that the flood of nonmeritorious claims does not submerge and effectively preclude consideration of the allegations with merit." *Jones*, 549 U.S. at 203.

B. 1. It stands to reason that a weakened exhaustion requirement—indeed, one that reinstates one of the pre-PLRA qualifiers that Congress eliminated to strengthen the exhaustion requirement—will trigger an increased number of prisoner complaints in court that have not been vetted or developed through the administrative process. Like the exception this Court rejected in *Woodford*, the Fourth Circuit's exception here "would make the PLRA exhaustion scheme wholly ineffective." 548 U.S. at 95. As this Court observed in *Woodford*, "[a] prisoner who does not want to participate in the prison grievance system will have little incentive to comply with the system's procedural rules unless noncompliance carries a sanction, and under [the Fourth Circuit's] interpretation of the PLRA noncompliance carries no significant sanction." *Id.*

In the case below, the Fourth Circuit turned the exhaustion requirement into "a largely useless appendage." *Id.* at 93. The court excused Blake's failure to exhaust the prison's administrative process, even though Blake admitted that he had not read all of the prison's materials relating to the administrative process. The court found that the prison's materials were confusing simply because they did not *specifically* contradict Blake's particular, alleged misunderstanding.[2] And the court

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[2] Contrary to the majority's conclusion, Maryland's grievance procedures were not ambiguous or otherwise confusing. *Blake*, 787 F.3d at 702 (Agee, J., dissenting). As Judge Agee explained in his dissent, "[o]ne can hardly imagine a plainer provision

determined that the prison administrators had sufficient opportunity to develop an administrative record, even though Blake did not initiate any procedures with the prison, requested at one point that the investigation be closed, and expressly disavowed any intent to sue anyone. 787 F.3d at 704-05. (Agee, J., dissenting).

There can be no doubt that prisoners—especially those in the Fourth Circuit—will see this decision as an invitation to file suit in court even where they have clearly failed to follow their prisons' administrative procedures. Though the case below involved Maryland's administrative review procedures, nothing in the opinion suggests that the Fourth Circuit's new exception will not apply to other States. In adopting the exception from the Second Circuit, the Fourth Circuit described the test broadly as an "appropriate balance between statutory purpose and our administrative jurisprudence." *Id.* at 698. The inevitable result of the Fourth Circuit's broad exception will be the very scenario the PLRA was meant to prevent—the inundation of federal district courts with undeveloped and potentially nonmeritorious prisoner complaints. Now every prisoner with a grievance who has failed to exhaust, or does not wish to exhaust, has an incentive simply to file in court and

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that more directly applies to Blake's present claim," as Maryland's procedures "specifically instruct[] prisoners to use the [administrative remedy procedure] to 'seek relief ... for issues that include ... [u]se of force.'" *Id.* at 702.

take a chance on arguing that his or her state's administrative grievance procedures are confusing.

2. The potential increased burden on federal district courts and the States that face such lawsuits is enormous. As the statistics below from several Fourth Circuit States show, the PLRA's exhaustion requirement has clearly been effective in limiting the number of suits filed by prisoners in federal court. The number of suits filed in federal court has been small compared to the number of administrative grievances, which in turn has been small compared to the total number of state prisoners. The flipside of this effectiveness, however, is the potential for a significantly greater number of filings in court as prisoners learn of the Fourth Circuit's decision.

In West Virginia, for example, the number of prisoner petitions filed in fiscal year 2013-14 in federal court alleging civil rights or prison condition issues was 2.4% of the number of total inmates housed in state prisons. According to the West Virginia Division of Corrections ("WV DOC"), there were aproximately 6,973 inmates housed in its facilities on December 31, 2013. That same year, there were approximately 1,505 prisoner grievances and disciplinary actions appealed to the Commissioner in accordance with the WV DOC administrative review procedures, and only 164 prisoner petitions alleging civil rights or prison condition issues filed in the Northern and Southern Districts of West Virginia by WV DOC inmates. App.

at 2.

In Maryland, the ratio of similar prisoner petitions filed in federal court over that same time period to the total number of inmates was only 2.3%. Maryland reports that its Department of Corrections ("MD DOC") housed approximately 21,500 inmates in its correctional facilities. In calendar year 2013, the MD DOC received approximately 20,193 formal prisoner complaints through its Administrative Remedy Procedure, which are reviewed and resolved by the warden. See also Pet. App. 77-81. Of these formal complaints, approximately 2,452 were appealed to the Commissioner, and then aproximately 2,321 were appealed to the Inmate Grievance Office, which is the final step in the administrative review process. The Administrative Office of the U.S. Courts reports that in fiscal year 2013-2014, MD DOC inmates ultimately filed 489 prisoner petitions in the District of Maryland alleging civil rights or prison condition issues. App. at 2.

Finally, over the same time period in North Carolina, the number of prisoner petitions filed in federal court alleging civil rights or prison condition issues was 1.9% of the number of total inmates housed in state prisons. According to the North Carolina Department of Public Safety ("NCDPS"), there were aproximately 37,319 inmates as of January 1, 2014. That year, the NCDPS Inmate Grievance Resolution Board, which oversees the final

step in the State's administrative review procedures, received approximately 14,654 grievances. And ultimately, the federal courts report that there were 697 prisoner petitions from NCDPS inmates pending in the U.S. District Courts for the Eastern, Middle, and Western Districts of North Carolina that alleged civil rights or prison condition issues. App. at 2.

C. The increased burden on the system will come not only from a greater number of filings in court, but also from a greater number of prisoner petitions that survive dismissal for failure to exhaust and proceed to summary judgment or trial. From January 1, 2014 through September 2015, according to Maryland's internal database, the District of Maryland dismissed in whole or in part for failure to exhaust approximately 53% of the prisoner civil rights suits in which the court addressed the exhaustion defense raised by Office of the Attorney General of Maryland.

Under the Fourth Circuit's new exception, at least some of these petitions would have survived dismissal and proceeded to summary judgment or trial, creating an additional burden on both the District of Maryland and the Maryland Attorney General's Office.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Table C-3.
U.S. District Courts—Civil Cases Commenced, by Nature of Suit and District, During the 12-Month Period Ending September 30, 2014

Circuit and District	Total Civil Cases	U.S. Cases															
		Total U.S. Civil Cases	Contract	Real Property	Tort Action	Civil Rights	Prisoner Petitions: Motions to Vacate Sentence	Prisoner Petitions: Habeas Corpus General	Prisoner Petitions: Death Penalty	Prisoner Petitions: Prison Civil Rights	Prisoner Petitions: Prison Condition	Prisoner Petitions: Mandamus and Other	Habeas Corpus Alien Detainee	Forfeitures and Penalties	Labor Suits	Social Security	All Other
TOTAL	296,310	44,943	2,416	947	1,671	1,527	7,390	2,482	7	1,066	283	364	736	1,901	414	19,146	4,564
DC	2,217	1,033	81	13	36	143	23	63	-	110	6	18	1	14	5	30	491
1ST	7,723	1,162	26	25	71	46	167	39	-	30	2	1	21	90	16	481	148
ME	501	168	1	2	7	6	17	-						3	1	125	6
MA	5,086	461	16	8	27	20	53	26		26	-	1	20	12	9	167	94
NH	516	176	3	3	5	7	9	6		3	2	-		23	-	101	12
RI	660	102		3	6	5	19			-	-	-	-	6	1	47	15
PR	958	235	6	9	26	8	69	3		1	-		1	46	4	41	21
2ND	28,086	3,490	167	37	182	87	490	61		64	10	19	56	186	113	1,628	481
CT	1,995	379	4	4	25	23	46	10		11			2	24	3	191	36
NY,N	1,758	456	22	1	24	2	45	1		-				21	3	328	9
NY,E	7,910	986	95	10	71	29	83	16	-	31	5	11	7	36	77	288	227
NY,S	11,362	923	17	4	33	25	166	28	-	12	3	8	11	49	25	366	176
NY,W	1,609	635	28	16	24	6	39	6		10	2		36	51	5	389	23
VT	262	111	1	2	5	2	21							4		66	10
3RD	26,106	3,496	153	136	129	118	470	440		238	28	21	196	81	27	1,162	297
DE	1,847	73	3		4	4	9		-		-	-	-	8	1	37	7
NJ	9,033	1,145	109	20	47	37	106	170	-	88	6	12	140	37	10	228	136
PA,E	9,830	858	10	17	47	31	190	19		4		5		2	7	419	107
PA,M	2,606	843	4	49	13	24	54	217		146	9	2	56	5	3	240	21
PA,W	2,573	547	27	36	17	21	106	34		-	13	2		25	4	237	23
VI	217	29		13	1	1	4		-	-	-	-	-	4	2	1	3
4TH	54,797	4,231	56	25	131	121	1,337	237	1	86	26	104	7	212	24	1,596	270
MD	4,223	827	13	12	36	36	233	4		10		37		80	2	259	106
NC,E	1,931	792	12	-	6	12	196	113		44	15	53	3	50	1	254	31
NC,M	1,132	314	2	-	4	6	163	15		2		-	-	23	2	91	6
NC,W	1,250	402	2	2	4	6	161	5		-	-	-	-	16	3	193	10
SC	4,792	678	5	3	16	2	227	1	1	4	2	-	-	14	6	370	25
VA,E	3,211	491	16	5	43	49	180	23	-	2	6	6	4	6	3	82	84
VA,W	1,193	337	2		6	3	109	22		11		5		14	2	154	9
WV,N	561	185	2		7	4	39	25		3		1		5	2	66	11
WV,S	36,414	225	2	3	7	3	29	29		10		2		4	1	126	9

Table C-3. (September 30, 2014—Continued)

Circuit and District	Private Cases															
										Prisoner Petitions						
	Total Private Civil Cases	Contract	Real Property	FELA[1]	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury[2]	Other Tort Actions	Civil Rights	Habeas Corpus General	Death Penalty	Conditions and Civil Rights	Mandamus and Other	Intellectual Property	Labor Suits	All Other
TOTAL	290,367	26,141	6,856	296	1,158	3,890	69,923	3,363	33,747	16,703	168	30,871	586	13,402	18,299	28,326
DC	1,184	111	29		-	14	67	21	342	15	-	78	6	72	172	270
1ST	6,861	643	366	14	42	66	2,776	101	814	133	-	286	8	233	461	643
ME	333	58	7	1	3	5	50	5	102	13		31	-	9	27	22
MA	4,607	390	161	11	27	21	2,473	73	360	71		182	4	172	282	390
NH	340	41	47	-	1	5	38	9	62	24	-	36		15	17	45
RI	556	64	80		3	7	81	9	89	11	-	27		13	50	85
PR	723	70	71	2	8	18	133	5	201	14	-	10	1	24	65	101
2ND	21,896	3,296	237	96	68	386	2,966	324	4,696	664	-	2,234	16	968	2,836	2,872
CT	1,816	243	16	9	4	29	178	40	455	36		157	-	83	117	250
NY,N	1,302	97	11	5	3	16	96	13	337	144		387		30	64	100
NY,E	6,924	1,555	113	42	24	149	496	96	1,529	153	-	315	5	152	1,160	1,126
NY,S	10,429	1,265	86	40	33	167	1,994	152	2,141	220	-	1,092	12	660	1,409	1,136
NY,W	1,174	91	7			19	123	20	191	94	-	264	1	35	79	250
VT	151	25	3		1	5	19	4	42	7		19	-	8	7	10
3RD	22,611	3,476	244	51	30	576	4,307	374	3,444	1,866	20	2,228	19	2,091	1,336	2,860
DE	1,774	97	6	-	-	4	72	12	106	51	1	118	3	1,133	26	143
NJ	7,868	2,077	61	20	16	183	1,113	175	900	319	-	692	5	512	579	1,216
PA,E	8,972	859	62	26	5	277	2,873	118	1,432	842	14	833	6	349	436	1,036
PA,M	1,783	215	24	3	-	78	115	34	412	226	1	286	2	42	97	227
PA,W	2,026	197	35	-	4	27	104	31	546	323	4	299	1	55	191	209
VI	188	31	36	-	5	7	30	4	46	2	-	1		-	7	19
4TH	60,866	1,835	347	6	38	317	37,630	230	1,863	1,483	3	2,886	202	747	1,236	1,874
MD	3,396	433	108	2	7	134	247	73	449	148	-	486	139	283	443	444
NC,E	1,139	171	26	-	8	9	71	18	197	127	-	303	-	40	32	137
NC,M	616	78	12	1	-	7	33	13	150	143		259	3	32	33	54
NC,W	848	146	20	-	-	7	58	24	151	78	1	135	1	57	56	116
SC	4,114	408	32	1	14	60	1,510	35	353	376	1	746	22	51	318	187
VA,E	2,720	322	91	1	9	36	147	39	373	316	1	471	24	254	249	367
VA,W	856	79	24	1		24	58	11	70	148	-	316	2	15	37	71
WV,N	486	86	27	-	-	16	62	4	37	82		78	4	9	24	57
WV,S	36,189	112	7	-	1	24	35,644	13	73	52	-	66	7	6	43	121

Table C-3. (September 30, 2014—Continued)

Circuit and District	Total Civil Cases	U.S. Cases																
		Total U.S. Civil Cases	Contract	Real Property	Tort Action	Civil Rights	Prisoner Petitions						Habeas Corpus Alien Detainee	Forfeiture and Penalties	Labor Suits	Social Security	All Other
							Motions to Vacate Sentence	Habeas Corpus General	Death Penalty	Prison Civil Rights	Prison Condition	Mandamus and Other					
5TH	28,887	3,823	216	38	183	218	1,080	340	6	246	7	26	109	187	18	870	410
LA,E	2,801	222	16	6	36	17	39	2		-	-	1		1	1	67	32
LA,M	628	59	1		7		16	-		-	-			4		25	14
LA,W	3,016	327	1	4	25	4	46	91		26	2	5	44	3	2	58	16
MS,N	799	130	1	2	4	5	18	-		1	-			5		91	3
MS,S	1,843	209	6	7	15	22	48	6		4	4			12	4	64	17
TX,N	6,530	801	39	7	19	34	227	104		36	1	6	6	27	3	183	109
TX,E	4,119	479	8	2	6	17	104	71	4	32		4		25		172	34
TX,S	6,219	873	131	5	31	53	323	14	1	12		1	35	41	5	104	117
TX,W	3,403	813	11	3	40	66	257	52		135		9	24	39	3	106	68
6TH	22,381	4,806	394	286	92	114	670	90		81	23	9	28	200	41	2,353	249
KY,E	1,478	944	2	197	6	3	58	71		27	19	2		17	1	225	14
KY,W	1,533	206	2	46	7	11	40	-		1	-	-		4	1	69	24
MI,E	6,069	1,106	333	24	18	24	80	6		-	1	2	5	47	5	491	70
MI,W	1,844	343	3	3	6	7	58	3		2	2	-	6	3	4	231	13
OH,N	3,721	706	13	2	21	23	74	16		9	-	2	9	44	14	449	31
OH,S	3,476	691	12	6	18	23	54	1		3	-	2	3	35	11	470	53
TN,E	1,430	321	5	7	2	5	154			2	1			11	2	120	12
TN,M	2,867	281	4	7	4	11	44	2		6	-	-		13		179	11
TN,W	1,371	310	20	3	6	7	106	2		1	-	1		26	3	119	12
7TH	23,366	3,120	149	88	107	100	448	107		14	28	16	1	134	33	1,868	331
IL,N	10,396	1,104	123	18	69	48	130	9	-	6	9	13	-	28	17	406	231
IL,C	1,396	233	3	17	1	4	55	1	-	-	2	1		9		132	8
IL,S	2,983	293	2	26	14	5	83	82	-	5	4		-	6	2	89	13
IN,N	3,256	382	3	4	6	9	45	-	-	2	-	1	-	38	4	260	10
IN,S	2,868	575	12	10	11	16	93	5	-		16	-	-	11	3	382	17
WI,E	1,524	308	4	6	3	7	38	2	-		-	-	1	19	3	192	33
WI,W	905	225	2	7	3	12	24	6	-	1	-	-	-	21	4	124	19
8TH	16,620	3,866	39	67	79	94	846	127	1	37	38	13	3	96	26	2,234	173
AR,E	1,872	469	7	2	5	9	30	32		7	18	1		7	1	337	13
AR,W	1,176	507	3	4	7		33	2			1			6	1	444	6
IA,N	533	296		6		1	70	3	-	1				13	-	188	6
IA,S	541	213	1	4	2		78	6					-	4	2	109	7
MN	4,966	329	9	16	19	23	51	29	-	5			2	12	6	116	42
MO,E	2,879	504	4	4	6	49	97	10	-	13	1	3		14	2	276	24
MO,W	2,382	978	7	5	13	5	96	36	1	6	19	9	1	17	3	703	54
NE	640	132	4	6	10	2	44	2		-	-			17	4	31	12
ND	294	52	3	6	1	-	26			1	-	-	-	2		9	2
SD	318	86	1	3	14	5	21	5	-	2	-	-	-	3	1	23	8

Table C-3. (September 30, 2014—Continued)

Circuit and District	Private Cases															
										Prisoner Petitions						
	Total Private Civil Cases	Contract	Real Property	FELA[1]	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury[1]	Other Tort Actions	Civil Rights	Habeas Corpus General	Death Penalty	Conditions and Civil Rights	Mandamus and Other	Intellectual Property	Labor Suits	All Other
6TH	**28,634**	**3,774**	**1,427**	**14**	**427**	**733**	**4,990**	**376**	**2,837**	**2,888**	**32**	**2,768**	**82**	**2,199**	**1,753**	**1,985**
LA,E	2,579	537	36	6	246	171	336	114	276	239		179	4	29	87	219
LA,M	759	99	8	-	18	54	126	18	145	60		184	2	8	21	36
LA,W	2,668	188	35	3	69	90	1,446	16	177	238		309	7	12	40	56
MS,N	669	90	11	-	3	37	130	8	144	95		90		8	23	32
MS,S	1,834	287	36	1	6	96	241	24	257	176	1	319	3	18	103	67
TX,N	6,729	586	448	-	-	57	2,062	62	406	670	11	503	28	170	388	448
TX,E	3,640	216	145	3	10	55	136	35	212	354	1	513	1	1,842	157	190
TX,S	5,348	1,324	406	1	77	106	374	66	525	541	14	372	2	168	672	692
TX,W	2,590	347	300		-	65	139	40	395	316	5	319	5	146	262	251
9TH	**17,775**	**1,889**	**483**	**23**	**49**	**323**	**3,048**	**222**	**2,788**	**1,841**	**13**	**2,884**	**19**	**833**	**1,843**	**2,099**
KY,E	834	136	10	3	1	44	125	19	106	104	1	93	3	10	76	103
KY,W	1,328	136	9	2	17	40	441	19	166	47	-	188	2	20	124	146
MI,E	3,964	566	228	2	15	53	192	53	529	534	-	276	2	209	391	774
MI,W	1,301	109	53	-	2	11	41	9	180	220	-	339	5	90	83	179
OH,N	3,016	251	39	1	4	39	946	57	423	246	1	144	3	186	300	345
OH,S	2,787	253	28	8	1	31	971	28	466	178	3	113	1	199	271	236
TN,E	1,109	118	25	7	1	37	121	12	268	74	4	177	1	42	81	141
TN,M	2,386	140	27		2	34	86	17	324	111	1	1,349		48	140	107
TN,W	1,061	118	34		6	34	123	8	207	127	3	216	2	29	97	58
7TH	**20,278**	**1,447**	**283**	**30**	**12**	**206**	**5,067**	**204**	**2,739**	**1,078**	**1**	**3,806**	**13**	**1,114**	**1,944**	**2,636**
IL,N	9,291	633	206	6	4	66	1,062	132	1,340	210		1,696	6	824	1,273	1,633
IL,C	1,162	72	22	1		9	70	6	218	54		533	1	6	61	89
IL,S	2,670	77	10	11	6	34	1,849	10	95	58	-	394	2	8	61	65
IN,N	2,876	111	7	7	1	41	1,842	10	326	161	-	149		22	66	111
IN,S	2,283	160	21	1		45	149	20	448	388	1	289		113	239	389
WI,E	1,316	108	10	3	-	8	52	12	190	167		267	3	81	129	286
WI,W	680	66	7	1	1	3	43	14	122	40		177	1	60	83	62
8TH	**11,964**	**1,448**	**197**	**20**	**11**	**188**	**3,462**	**172**	**1,438**	**711**	**3**	**1,881**	**12**	**718**	**781**	**1,178**
AR,E	1,403	122	10	5	4	39	71	11	197	192	-	600		6	75	71
AR,W	669	131	14	1		15	34	13	58	20	1	306		3	30	43
IA,N	247	40	1	1		4	25	2	44	21		48	-	9	23	29
IA,S	428	61	10	-		2	32	9	66	25		96	2	17	51	39
MN	4,656	409	82	1	4	16	2,386	45	390	87		81	-	577	196	413
MO,E	2,175	239	25	1	3	31	674	33	292	169	1	184	6	44	219	274
MO,W	1,404	248	49	5	-	30	152	32	191	121	-	203	2	34	141	196
NE	508	93	12	3	-	7	36	13	120	34	-	74		14	26	76
ND	242	69	20	3	-	6	32	11	24	15	-	18	-	4	17	23
SD	232	36	4			18	21	3	24	27	1	72	2	7	3	14

Table C-3. (September 30, 2014—Continued)

Circuit and District	Total Civil Cases	U.S. Cases															
		Total U.S. Civil Cases	Contract	Real Property	Tort Action	Civil Rights	Prisoner Petitions						Habeas Corpus Alien Detainee	Forfeiture and Penalties	Labor Suits	Social Security	All Other
							Motions to Vacate Sentence	Habeas Corpus General	Death Penalty	Prison Civil Rights	Prison Condition	Mandamus and Other					
9TH	**47,132**	**8,486**	**736**	**97**	**401**	**274**	**794**	**358**		**182**	**84**	**80**	**157**	**386**	**67**	**3,636**	**1,066**
AK	302	111	2	3	24	7	14		-		-	-	1	13	1	27	19
AZ	6,960	956	22	3	51	46	207	93		23	83	31	30	31	11	289	86
CA,N	5,900	539	17	6	50	24	37	5	-	3	1	1	15	23	13	180	164
CA,E	4,860	836	10	5	31	14	53	78	-	97	-	-	3	41	4	416	84
CA,C	14,567	2,798	641	28	86	81	137	142	-	21	-	8	18	96	19	1,112	411
CA,S	3,439	402	6	12	42	26	101	16	-	3	-	35	5	24	2	71	58
HI	710	82	5	1	12	13	9			2	-	1	2	4	2	4	27
ID	560	91	3	3	6	4	14		-			-	-	3	3	40	15
MT	795	154	3	14	12	2	50		-				-	4	2	38	29
NV	2,795	348	9	8	19	23	52	2	-	1			2	78	1	106	50
OR	2,170	636	1	5	20	7	36	1	-			2	2	41	5	466	50
WA,E	804	396	5	1	10	6	29	1						10	1	324	9
WA,W	3,199	1,105	10	8	38	20	55	16		2		1	79	20	3	752	91
GUAM	21	7	1		1	1		1		-	-	1		2	-		-
NMI	30	5	-		-	1	-	1		-				-	-		3
10TH	**10,367**	**2,296**	**49**	**99**	**83**	**66**	**273**	**40**		**9**	**24**	**7**	**13**	**158**	**16**	**1,289**	**193**
CO	3,668	448	11	8	13	11	39	2		2	1	1	9	43	8	256	44
KS	1,426	482		37	10	3	89	32	-	3	23	4	-	35	4	200	12
NM	1,211	322	5	3	25	16	39		-		-	1	2	53	2	138	36
OK,N	796	265	5	21	2	6	28		-		-	-	1	5	-	187	10
OK,E	562	278	2	10	5	3	8	1	-		-	-		1	-	242	8
OK,W	1,430	293	9	16	14	9	27	1	-	2		1		7	-	172	35
UT	1,120	198	17	2	13	13	22	1	-	2			-	12	1	74	41
WY	264	40	-	2	1	2	21	3		-			-	2	-		9
11TH	**31,026**	**5,886**	**361**	**38**	**178**	**147**	**1,183**	**671**	**-**	**68**	**27**	**61**	**148**	**189**	**36**	**2,124**	**464**
AL,N	2,466	581	4	6	12	14	68	51		6	3	-	75	20	2	292	28
AL,M	1,253	177	2	-	16	4	34	6		1	1	-		13		88	12
AL,S	844	138	1	1	-	4	43	1	-	-	-	-	-	2	1	77	8
FL,N	1,869	369	5	3	16	22	103	39	-	-	12	-	17	34	4	106	8
FL,M	8,497	1,906	109	6	67	34	342	253		36	6	8	2	21	10	856	157
FL,S	8,704	1,138	201	14	24	32	360	93	-	3	-	11	4	30	8	176	162
GA,N	5,142	722	21	6	30	22	89	65	-	11	-	31	2	38	7	329	71
GA,M	1,312	249	3		2	7	41	3	-	1	1		47	16	2	121	6
GA,S	1,077	283	5		11	8	83	60	-		2	1	1	18	2	80	16

Table C-3. (September 30, 2014—Continued)

Circuit and District	Private Cases															
										Prisoner Petitions						
	Total Private Civil Cases	Contract	Real Property	FELA[1]	Marine Personal Injury	Motor Vehicle Personal Injury	Other Personal Injury[2]	Other Tort Actions	Civil Rights	Habeas Corpus General	Death Penalty	Conditions and Civil Rights	Mandamus and Other	Intellectual Property	Labor Suits	All Other
9TH	**38,666**	**3,899**	**1,987**	**16**	**106**	**214**	**2,761**	**787**	**6,477**	**3,834**	**30**	**8,043**	**103**	**2,698**	**2,813**	**6,196**
AK	191	33	1	-	11	4	27	1	33	15	-	29		1	15	21
AZ	6,004	336	87	-	2	19	144	35	396	300	14	3,903	2	113	236	413
CA,N	5,361	526	284		15	13	334	116	880	522	4	842	12	456	528	826
CA,E	4,044	237	161	3	1	13	210	33	994	706	1	1,106	13	56	137	374
CA,C	11,789	1,189	976	1	15	44	742	312	2,406	1,366	6	463	8	1,482	880	1,878
CA,S	3,037	230	106		2	7	628	53	378	259	-	410	2	212	139	609
HI	628	93	35		19	6	88	99	134	13	-	43		26	26	44
ID	469	74	13	3		9	29	4	89	56	1	101		14	16	61
MT	641	105	12	1		9	59	9	50	70		256	2	6	27	36
NV	2,447	396	127			50	204	44	396	310		337	15	116	82	367
OR	1,534	216	40	3	6	23	114	28	324	152	3	186	46	85	135	173
WA,E	406	50	15	2		2	28	5	71	35		116	2	11	15	56
WA,W	2,094	390	128	3	37	14	149	56	312	126	1	253	1	109	271	244
GUAM	14	5					3		1	2	-			-	1	2
NMI	25	6				1	2		10	1	-			-	3	2
10TH	**8,871**	**1,326**	**129**	**12**	**2**	**220**	**748**	**163**	**1,670**	**731**	**4**	**994**	**22**	**864**	**439**	**1,167**
CO	3,120	432	34	4	1	42	257	32	422	327		406	2	354	156	539
KS	974	156	12	2	1	39	86	37	210	83	-	105	9	28	76	149
NM	889	114	18	2		28	86	20	311	46		144		6	37	76
OK,N	531	83	5	-	-	26	41	11	135	72	1	40	2	11	45	59
OK,E	274	43	1	-	-	14	23	7	77	37	-	34	1	3	10	24
OK,W	1,137	251	12	1	-	39	106	26	253	144	3	187	7	16	34	79
UT	922	207	36	-	-	16	99	12	136	27	-	82	-	131	73	122
WY	224	40	9	3	-	17	53	6	26	15		24	1	3	6	19
11TH	**26,461**	**3,007**	**1,167**	**13**	**373**	**377**	**1,878**	**380**	**8,083**	**2,180**	**52**	**3,338**	**116**	**1,178**	**3,298**	**2,977**
AL,N	1,917	242	31	3	-	43	181	17	571	117	5	380	2	28	170	157
AL,M	1,106	98	2	-	-	35	66	6	212	89	5	470	22	6	25	68
AL,S	508	106	15	-	6	13	41	6	83	58	1	83	-	6	17	69
FL,N	1,500	122	41	1	6	23	82	10	481	220		338	8	13	126	49
FL,M	6,589	787	130	2	28	106	361	69	994	820	29	819	29	425	1,032	976
FL,S	7,566	989	127		327	22	464	171	1,816	388	4	312	12	506	1,433	993
GA,N	4,420	490	765	5	1	91	511	78	524	255	6	424	32	170	366	552
GA,M	1,063	86	15	1	-	24	230	10	159	131	2	287	6	16	46	51
GA,S	794	106	11	1	5	20	59	11	141	74	-	256	4	6	41	60

[1] FELA = Federal Employers Liability Act.
[2] Includes cases filed in previous years as consolidated cases that thereafter were severed into individual cases.